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Attorney Docket No: 7175/67882
PATENT



AR/11615
FEB 25 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur C. Coffey Conf. No. 1909
Serial No.: 09/855,287 Art Unit: 1615
Filed: May 15, 2001 Examiner: Channavajjala, Lakshmi Sarada
For: COMBINATION SIS AND VACUUM BANDAGE AND METHOD

REQUEST FOR RECONSIDERATION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 01 2004

Sir:

In response to the Office Action mailed December 15, 2003, the Examiner is requested to reconsider the rejection therein for the reasons presented below.

REMARKS

Reconsideration of the rejection of claims 1, 2, 8, 9, 14-18, 27, 28, 30-37 and 39-45 as being unpatentable over Argenta ('081) in view of Berg et al. ('962) under 35 U.S.C. 103(a) is requested. Berg et al. provides for a polymer film 13 to rest atop of his cross-linked collagen matrix and secured thereto by adhesive 14 and this assemblage is placed on the wound by a bioabsorbable adhesive 12. The purpose of the polymer film 13 is to provide a moisture vapor and gas transmissivity barrier atop the cross-linked collagen matrix. The purpose for this barrier is the prevention of secondary bacterial infection and to limit reinjury to the area of the wound. After the wound has begun to heal, the plastic layer can be removed to provide increased moisture vapor transmission between wound bed and the atmosphere (col. 2 lines 1-6). The barrier affect of the occlusive polymer film promotes wound healing while preventing maceration and exogenous bacterial contamination. Berg further indicates that depending on the number of layers of film one could completely occlude the bandage area (col. 2 lines 29-32). The Argenta disclosure provides for a negative pressure on a wound sufficient to promote the migration of epithelial and subcutaneous tissue

toward the wound arm and for a time period sufficient to facilitate closure of the wound. One skilled in the art would not use the wound dressing of Berg et al. (because its polymer film would stop migration at the wound area in the device of Argenta et al. which wants a non-occluding bandage to allow migration at the wound area. Accordingly, it would be recognized by one skilled in the art that use of the Berg teaching in Argenta would defeat the very thing that Argenta is trying to cause, the low pressure pulling off material from the wound through the collagen matrix. Accordingly, the proposed combination of Argenta and Berg is not believed to be obvious and is improper. Reconsideration of this rejection is requested.

Reconsideration of the rejection of claims 6 and 7 as being unpatentable over Argenta ('081) and Berg ('962) in further view of Wadstrom ('427) under 35 U.S.C. 103(a) is requested. Wadstrom was not proffered for, nor does it cure the inadequacies of the proposed combination of Argenta and Berg as explained above and hence reconsideration of this rejection is requested.

Examiner Channavajjala is thanked for the courtesies extended during the recent interview wherein the above comments were discussed. The Examiner's interview summary appears to be an accurate and complete summary of what went on during the interview.

In view of the above, the application is now deemed to be in condition for allowance and such is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (7175/67882) .

Respectfully submitted,

BARNES & THORNBURG



Mark M. Newman
Reg. No. 31,472
(202) 289-1313